

Adulteration of the product was alleged in the second count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of thyme, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that it contained turpentine, which is not one of the ingredients of oil of thyme as determined by the test laid down in said Pharmacopœia.

On May 12, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 upon the first count thereof and a fine of \$100 upon the second count.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3028. Misbranding of vinegar. U. S. v. 25 Cases of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 4993. I. S. No. 1658.)

On or about January 30, 1913, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing two dozen bottles of vinegar, remaining unsold in the original unbroken packages and in possession of William D. Cleveland & Sons, Houston, Tex., alleging that the product had been shipped from the State of Kentucky into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. Qts. K. & L. Apple Vinegar." (On bottles) "Pure (design apple) Vinegar Bottled by Knadler & Lucas, Incorporated, Louisville, Ky."

Misbranding of the product was alleged in the libel for the reason that the bottles contained in the cases were not quarts in size, and that the vinegar in each bottle was less than the quantity indicated by an average shortage of 17.3 per cent, and the labeling of the cases as containing 2 dozen quarts was misleading and false, so as to deceive and mislead the purchaser as to the contents of the bottles contained in the cases, and the offer for sale of said cases and bottles of vinegar as aforesaid was a deceit and a misbranding within the meaning of the act aforesaid. On February 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, and that the costs of the suit should be paid out of the proceeds of the sale, and if such proceeds were insufficient to pay all costs, it was adjudged that any balance should be adjudged against said William D. Cleveland & Sons. It was further ordered that said William D. Cleveland & Sons might at any time before the sale pay all costs and make bond in the sum of \$200, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3029. Adulteration of ice cream. U. S. v. Louis George (Vienna Ice Cream Company). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 5001. I. S. No. 36237-e.)

On April 7, 1913, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis George, doing business as the Vienna Ice Cream Co., Bluefield, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of West Virginia into the State of Virginia, of a quantity of ice cream which was adulterated. The product was labeled on shipping tag: "To S. Auerbach, Pocahontas Train No. 9 Gallons 5 Date 8/24 Tub No. Frozen Milk Product made with condensed milk Vienna Ice

Cream Co. * * * Bluefield, West Virginia. (On tub) Vienna Ice Cream Co., Bluefield, W. Va. 612."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

140,000,000 organisms per cc, plain agar, after 3 days' incubation, at 25° C.

137,000,000 organisms per cc, litmus lactose agar, after 3 days' incubation, at 25° C.

100 per cent acid.

100,000 *B. coli* group per cc.

1,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 16, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3030. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Apple Cider Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5002. S. No. 1669.)

On January 24, 1913, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels containing 447 gallons of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages and in possession of the Merchants Coffee Association, Atlanta, Ga., alleging that the product had been shipped on October 3, 1912, from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R. M. Hughes & Co., Pure Apple Cider Vinegar. Serial No. 26475. Louisville, Ky."

Adulteration of the product was alleged in the libel for the reason that it consisted largely of distilled vinegar or diluted acetic acid and distilled vinegar, or diluted acetic acid had been mixed and packed with apple cider vinegar, so as to reduce the quality of said vinegar, in violation of the first paragraph of section 7, in the case of food, of the Food and Drugs Act of June 30, 1906. Adulteration was alleged for the further reason that distilled vinegar or diluted acetic acid had been substituted in part for pure apple cider vinegar, in violation of the second section of paragraph 8, in the case of food, of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the reason that the product was labeled and branded "Pure Apple Cider Vinegar," whereas, in truth and in fact, it was not pure apple cider vinegar, but was composed largely of distilled vinegar or diluted acetic acid, and was labeled so as to deceive and mislead the purchaser into the belief that the product was pure apple cider vinegar, in violation of the second paragraph of section 8, in the case of food, of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the labels on the barrels containing it bore the statement "Pure Apple Cider Vinegar" regarding the product and substances contained therein, which said statement was false and misleading, in that the product was not pure apple cider vinegar, but consisted largely of distilled vinegar or dilute acetic acid.

On November 14, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, after being relabeled "Compound Distilled Vinegar and Apple Vinegar, Louisville, Ky."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.